

Control Number	APL-EG_11391659
Group Identifier	APL-EG_11391659
P/C	
FamilyStatus	
AllCustodians	
Email From	
Email To	
Email CC	
Email BCC	
DateSent	
TimeSent	
DateLastModified	5/19/2023
TimeLastModified	17:36:01
DateCreated	
Email Subject	
Title	
Filename	2023.05 Wisconsin Scenarios and Financial Impacts-2.key
Application	
Confidentiality_Rcvd	HighlyConfidential
Production Vol.	APL-EG_104

CX-0272.1

PLA	TIFF
U.S. District C	NDCAI
4:20-cv-0564	GR-TSH
Epic Games, Inc	Apple Inc.
Ext. No. CX-0	2
Date Entered	
By	



# Proposed responses to Epic injunction

May 2023  
Privileged and Confidential - Prepared at the Request of Counsel

Privileged and confidential - prepared at the request of counsel

U.S. District Court - NDCAL  
4:20-cv-05640-YGR-TSH  
*Epic Games, Inc. v Apple Inc.*  
Ex. No. **CX-0272**  
Date Entered \_\_\_\_\_  
By \_\_\_\_\_

## Key elements under consideration

### Requirements

*In-app display of external purchase options*

*Persistent placement within the app, discoverable by users*

*Flexibility of CTA design, e.g. buttons*

*In-app display of pricing differences*

### Allowances

*Single external URL per app*

*No interruption or mimicking of IAP purchasing experience*

*No in-app web views*

*No communication of non-price benefits*

*Survival of IAP mandate and commission*

### Ambiguous

*Display placement*

*Display frequency*

*Display UI and design*

*Pricing language*

*Commission rate on link*

**For discussion only**

Privileged and confidential - prepared at the request of counsel

## Working assumptions of compliance plan

Apple IAP is still required

Single external URL per app, owned / controlled by the developer

Flexibility of CTA design, e.g. buttons

No interrupting or mimicking Apple IAP

Link must resolve to external browser

**For discussion only**

Privileged and confidential - prepared at the request of counsel

## Known conditions and restrictions on external links

### Developers must be able to ...

- *show users a proactive prompt that communicates an external purchase option*
- *format these prompts as buttons or other calls to action, not just blue HTML links*
- *compare the pricing between IAP and an external purchase option for users*
- *place a persistent link in app that resolves to the external purchase option*

### Apple may disallow ...

- *alternative payments directly in app*
- *multiple external purchase options*
- *prompts or links from interrupting or mimicking the IAP purchasing experience*
- *subjective marketing or promotional language highlighting non-price benefits of the external purchase option*
- *links to any other websites besides those directly owned / controlled by the developer*
- *usage of in-app web views to resolve these links (i.e. link must kick out to Safari / browser)*

**For discussion only**

Privileged and confidential - prepared at the request of counsel

## Areas of ambiguity



**Prompt  
Frequency**



**Prompt  
Placement**



**Pricing  
Language**



**Persistent Link  
Placement**

Privileged and Confidential - Prepared at the Request of Counsel

## Proposal 1

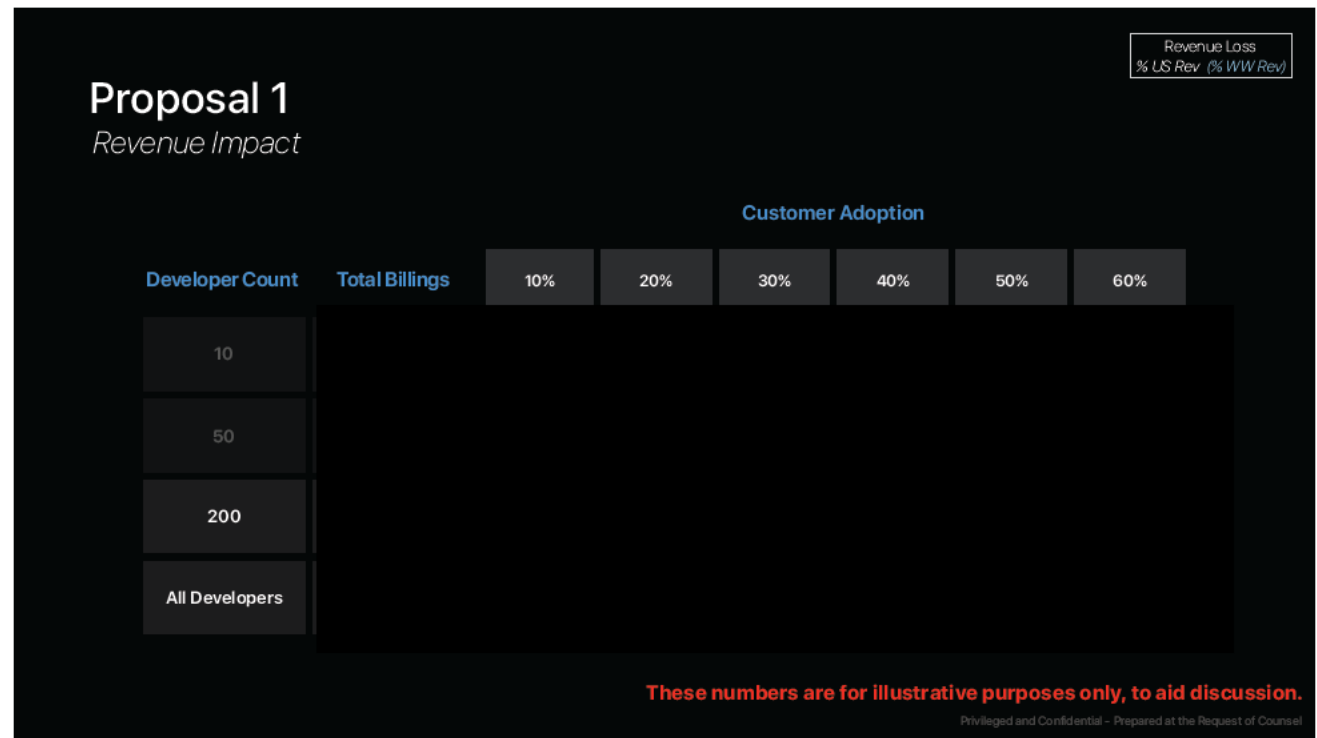
<b>Display Placement</b>	Standalone / Independent of buy flow
<b>Display Frequency</b>	Outside of the buy flow
<b>Display UI and design</b>	Adaptation of existing Atari approach
<b>Pricing Language</b>	No specific references to discounts or price differences
<b>Commission Rate</b>	No commission

### Key Risks

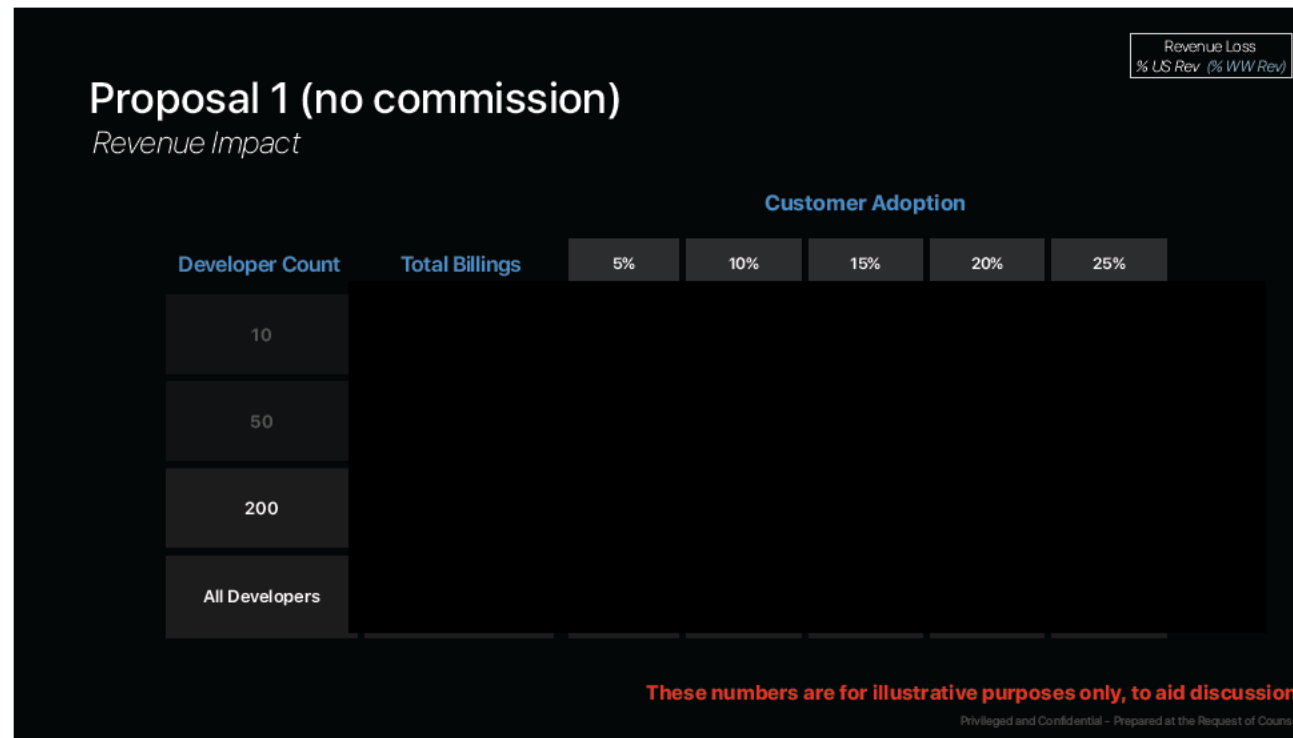
- Diverges significantly from existing and future approaches
- Creates new in-app channel for developers without commission
- Requires Apple to review against multiple new policies and restrictions
- Review cannot prevent all policy evasion, but will allow for remediation
- ATTORNEY-CLIENT PRIVILEGE

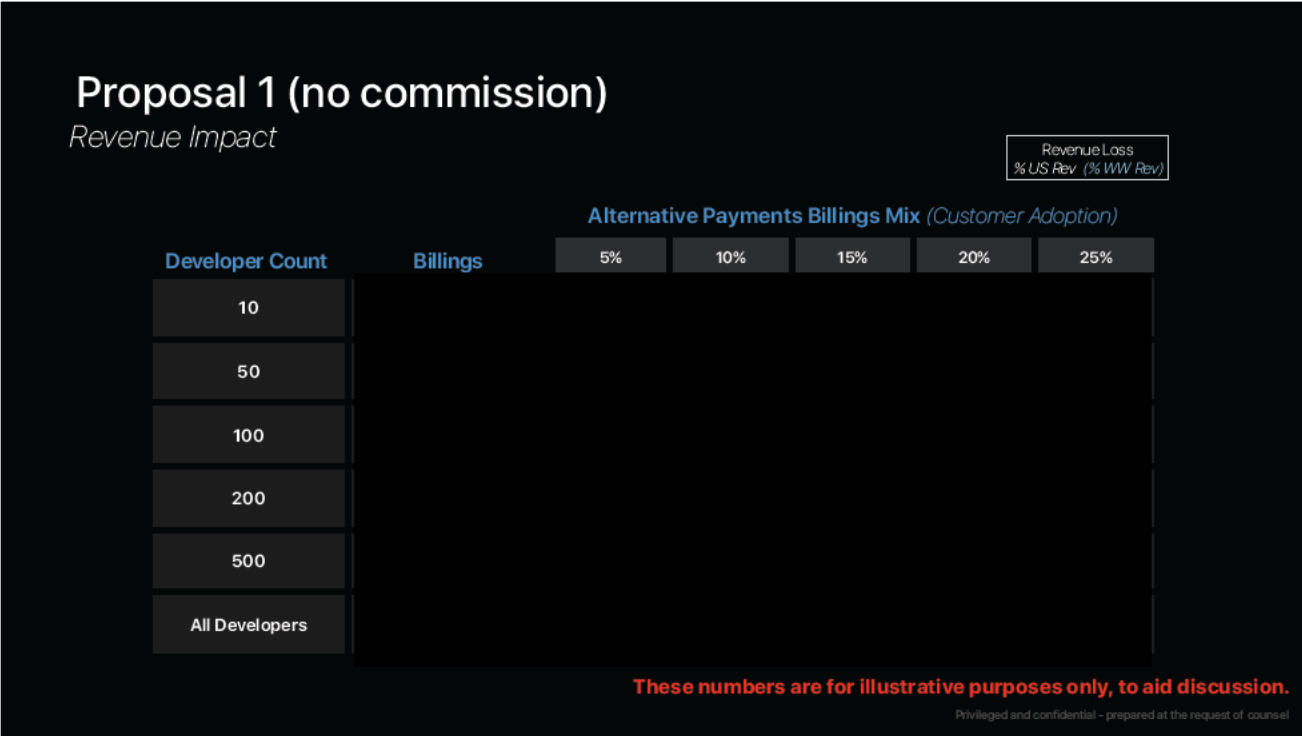
**For discussion only**

Privileged and Confidential - Prepared at the Request of Counsel









Proposal 2

Display Placement	Anywhere, including merchandising page
Display Frequency	Once per page
Display UI and design	Under explore
Pricing Language	No restrictions Requires adjustments to external link customer disclosure copy
Commission Rate	Discounted commission

Key Risks

- Current approach to collections is manual and will not scale
- Difficult to estimate impacts of non-economic developer rationales (e.g. value of direct customer relationship)
- ATTORNEY-CLIENT PRIVILEGE

For discussion only

Privileged and Confidential - Prepared at the Request of Counsel

Proposal 2

discount)




**Prompt Frequency**

*Once per page*




**Prompt Placement**

*Up to the merchandising page*



**Pricing Language**

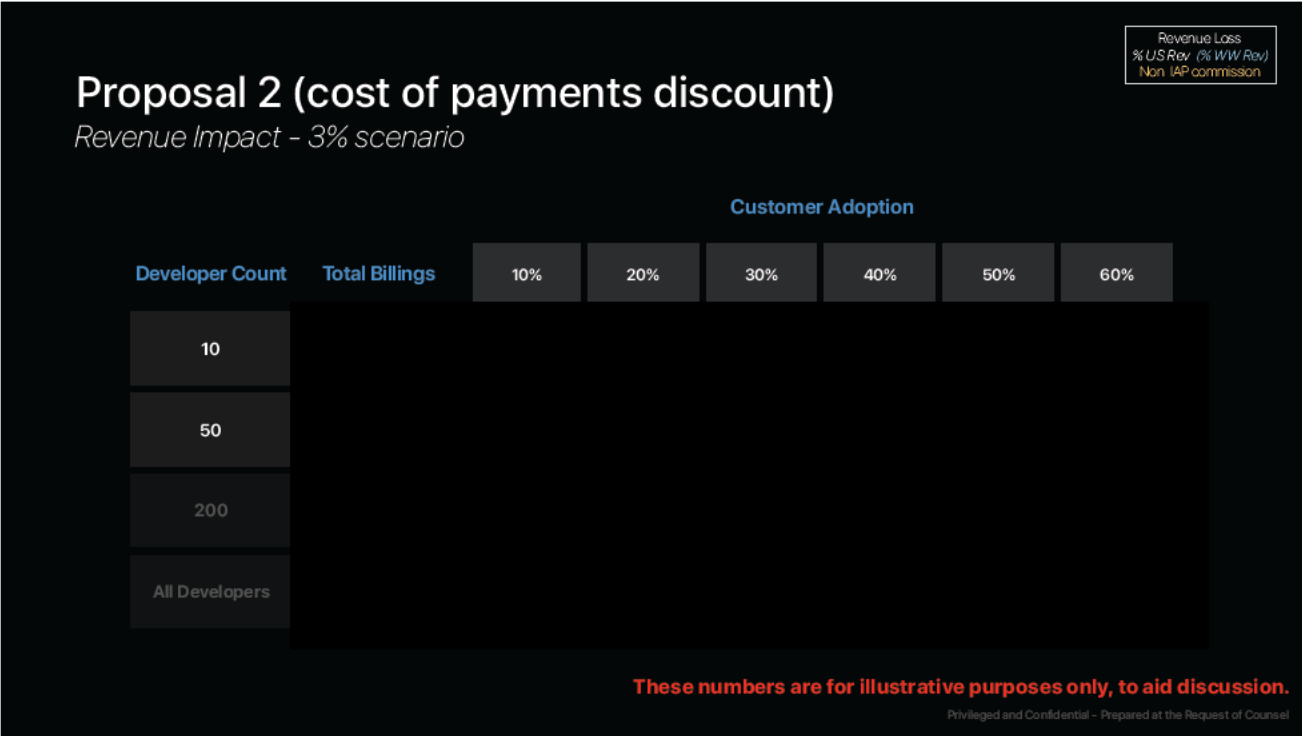
*No restrictions*



**Persistent Link Placement**

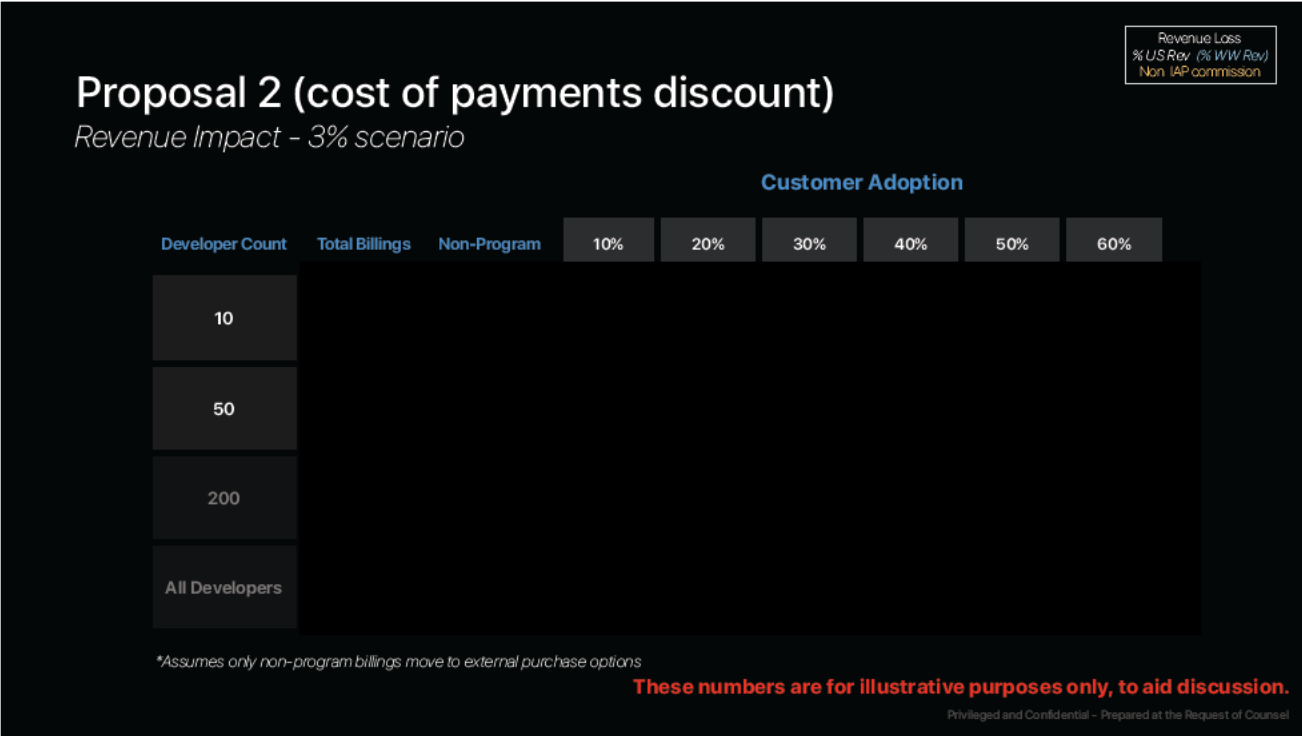
*Multiple places, up to the merchandising page*

Privileged and Confidential – Prepared at the Request of Counsel



Summary		
	Proposal 1	Proposal 2
Display Placement	Standalone / Independent of buy flow	Anywhere, including merchandising page
Display Frequency	Once, immediately on first app launch Persistently available in settings	Once per page
Display UI and design	Adaptation of existing Atari approach	Under explore
Pricing Language	No specific references to discounts or price differences	No restrictions Requires adjustments to external link customer disclosure copy
Commission Rate	No commission	Discounted commission
Est. Revenue Impact		
These numbers are for illustrative purposes only, to aid discussion.		
Privileged and Confidential - Prepared at the Request of Counsel		







## Illustration of key in-app locations



**For discussion only**

Privileged and confidential - prepared at the request of counsel

